

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #5	CCRB Case #: 202004403	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 10:00 PM	Location of Incident: southeast corner of Fifth Avenue and 13th Street	Precinct: 06	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/02/2020 10:45 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/18/2020 10:44 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against an individual.	[REDACTED]

Case Summary

On June 2, 2020, § 87(2)(b) filed this complaint by phone with IAB on behalf of an unidentified victim, generating original log number 20-14112. The CCRB received the complaint on June 18, 2020.

On June 2, 2020, at approximately 10 p.m., § 87(2)(b) was in his residence § 87(2)(b) in Manhattan. He watched from his window as a large crowd of protesters and officers moved south on Fifth Avenue, just south of the intersection with 13th Street. § 87(2)(b) saw an unidentified officer push an unidentified woman in the chest with his hands such that she fell to the ground (**Allegation A: Force**, § 87(2)(g)).

§ 87(2)(b) was filming with his cellphone from his window, and he provided a short clip to the investigation (BR01). The investigation did not obtain any other footage capturing the specific incident which § 87(2)(b) observed. The investigation obtained a single clip filmed by a TARU officer with a handheld camera near the incident location (BR02). The investigation received negative results to two requests for BWC footage (BR03-04). The investigation also reviewed BWC footage, CCTV footage, and cellphone footage obtained in other CCRB investigations regarding incidents which took place nearby—none of the footage obtained in other investigations captured the incident reported by § 87(2)(b).

- **Allegation (A) Force: An officer used physical force against** § 87(2)(b)

Known Facts and General Descriptions

During his initial phone statement and his CCRB interview, § 87(2)(b) was able to provide very little descriptive information regarding either the victim or the subject officer (BR05, BR06). He provided no information about the victim other than that she was a woman, and he could only describe the subject officer as being dressed in a blue uniform shirt. In addition, although § 87(2)(b) was able to see that the victim fell to the ground, he was unable to see her from that point onward. As a result, he could not say whether officers apprehended her or if she left the scene.

§ 87(2)(b)'s cellphone footage was only 11 seconds long, and it was extremely blurry and pixelated (BR01). The investigation made various unsuccessful attempts to try to troubleshoot the issue and determine whether higher-quality footage could be obtained, but ultimately § 87(2)(b) was not able to provide such footage. § 87(2)(b) recounted that he posted the video to social media almost immediately after the incident, but he posted it in such a manner that it was removed shortly afterward and even he could no longer view it. The investigation obtained the footage that § 87(2)(b) sent to IAB after filing his complaint and confirmed that it was the same clip and of similarly poor quality.

§ 87(2)(b)'s cellphone footage did appear to show an officer shoving a civilian (at approximately 00:05). § 87(2)(b) can be heard exclaiming at that moment, apparently in response to seeing the officer use force. The officer and civilian quickly moved out of view, and § 87(2)(b) stopped filming at that point. § 87(2)(g)

In addition, the footage did not have a time stamp, so the investigation could not determine the exact time of occurrence.

BWC

The investigation made two requests for BWC footage in this case and received negative results in response to both requests (BR03-04). The responses showed that the NYPD BWC Unit personnel searched for footage from the correct location and timeframe, and that they searched for footage from officers assigned to numerous specialized units which may have been present. In the second request, they also searched for a number of additional commands which the investigation discovered had officers in the vicinity.

As noted above, the investigation reviewed potentially relevant video footage obtained in other CCRB investigations, including BWC footage (cases 202003914, 202004002, 202004316, 202004771). None of the footage captured this incident or helped to identify the subject officer or the victim. The investigation also reviewed statements from civilians in those cases, and these also did not aid in identifying the subject officer or the victim. Collectively, these other cases showed that this incident took place at some point after officers began arresting protesters at the intersection of 14th Street and Fifth Avenue. There were numerous marchers and officers on scene, and officers followed the group of civilians who moved south on Fifth Avenue after the arrests began.

The TARU officer who shot the handheld footage began filming at the intersection of 14th Street and Fifth Avenue, and he continued filming apprehensions as he walked south in a large crowd of officers. The portion of the clip with the most relevance to this incident begins at approximately 02:05. The area in which the subject officer shoved the victim is briefly visible at different points, as the TARU officer continually shifts focus to film other things happening around him. At no point in the TARU footage does an officer appear to shove a civilian at the specific location shown in § 87(2)(b) s video footage. Moreover, it is not clear if the TARU officer was even walking past that location at the correct time to have captured the use of force in this incident; there is no timestamp associated with the TARU footage to show when it was filmed.

NYPD Documents Reviewed

§ 87(2)(g)

[REDACTED]

The investigation received negative results to a request for any relevant TRI reports. It is not clear if the nature of the incident would have led to a TRI report being created. The investigation also could not find any specific 911 records apparently related to the incident, though there was no expectation that any would exist given the nature of the incident.

The investigation obtained a log of all prisoners who were brought to the Mass Arrest Processing Center (MAPC) on the night of the incident (BR07). It showed the times and locations at which officers apprehended each person. It did not contain any record of any prisoner who was apprehended at the intersection of 13th Street and Fifth Avenue. It did contain records for 35 people who were apprehended at the intersection of 14th Street and Fifth Avenue at either 10 p.m. or 10:30 p.m. Their arresting officers were from numerous different commands. As the investigation could not determine whether the unidentified victim was apprehended to be issued a summons or arrested, it is not clear whether the victim would have appeared on the MAPC log.

Concurrent Investigations

The investigation did not discover any concurrent investigations of this particular incident.

Ranking Officers

§ 87(2)(g)

There were numerous officers from various commands intermingled in the area at the time, and the specific use of force at issue was a fleeting and relatively common occurrence within a much larger incident.

Officers Interviewed

The investigation could not identify the subject officer, nor could it identify any officer who seemed likely to have witnessed the incident or to have provided productive testimony. § 87(2)(g)

Allegation Recitation and Disposition

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR08).

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- As of December 10, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in relation to this complaint.
- A search of the BADS arrest database showed no prior arrests of § 87(2)(b) in New York City.

Squad No.: 5

Investigator:	<u>Angel Riddle</u>	<u>Inv. Angel Riddle</u>	<u>March 30, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Daniel Giansante</u>	<u>IM Daniel Giansante</u>	<u>March 30, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date